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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-12-00457 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO AUGUST 7, 2012
v.)	AND TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND [PROPOSED]
)	ORDER
)	
MANUEL BARAJAS MALDONADO,)	
)	Hearing Date: July 16, 2012
)	Time: 9:30 a.m.
Defendant.)	
)	
)	<u>The Honorable Donna M. Ryu</u>

The above-captioned matter is set on July 16, 2012 before the Honorable Donna M. Ryu for a status hearing. The parties jointly request that the Court continue the matter to August 9, 2012, at 9:30 a.m., before the sitting magistrate court, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between July 16, 2012 and August 9, 2012, so that the defense can have time to review the discovery and to meet with defendant.

On June 7, 2012, the grand jury charged Manuel Barajas Maldonado as a deported alien found in the United States, a violation of 8 U.S.C. § 1326. On June 12, 2012, Mr. Barajas was arraigned on the Indictment and pleaded not guilty. Mr. Barajas faces a maximum sentence of 20 years imprisonment.

1 The government produced discovery in this case on Friday, July 6, 2012. The defense
2 needs time to review the discovery with her client. Additionally, the defense needs time to
3 investigate the case and to obtain prior conviction records to assess Mr. Barajas' sentencing
4 Guidelines range. For these reasons, the defense requests additional time, and the parties agree
5 that this is an appropriate reason to continue this case until August 9, 2012.

6 The parties stipulate and agree that the ends of justice served by this continuance
7 outweigh the best interest of the public and the defendant in a speedy trial. The parties further
8 agree that the failure to grant this continuance would unreasonably deny counsel for defendant
9 the reasonable time necessary for effective preparation, taking into account the exercise of due
10 diligence. Accordingly, the parties agree that the period of time from July 16, 2012 until August
11 9, 2012, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C.
12 §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into account
13 the exercise of due diligence.

14 DATED: July 11, 2012

/S/

WILLIAM J. GULLOTTA
Assistant United States Attorney

16 DATED: July 11, 2012

/S/

ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the defense needs time to review the discovery produced on July 6, 2012 and to meet with defendant;
2. Given that the defense has requested additional time to investigate the case and to obtain prior conviction records to assess the sentencing Guidelines range;
3. Given that a complete review of the discovery is necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of July 16, 2012, scheduled at 9:30 a.m., before the Honorable Donna M. Ryu, is vacated and reset for August 9, 2012, at 9:30 a.m., before the sitting United States Magistrate Court. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from July 16, 2012 until August 9, 2012.

July 16, 2012


DONNA M. RYU
United States Magistrate Judge